

Thomas-Jensen Affirmation

Exhibit # 23

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK; et al.,

Plaintiffs,

v.

DONALD TRUMP, in his official capacity as
President of the United States; et al.,

Defendants.

C.A. No. 1:25-cv-00039-JJM-PAS

DECLARATION OF JARED SPRUNGER

I, Jared Sprunger, declare as follows:

1. I am a resident of the State of Arizona. I am over the age of 18 and I make this declaration as a representative of the State of Arizona, in part based on personal knowledge acquired by me in the performance of my official duties and in conjunction with my review of information and records gathered by Arizona Department of Environmental Quality staff. If called as a witness, I could and would testify competently to the matters set forth below.

2. I am currently employed as the Chief Financial Officer of the Arizona Department of Environmental Quality (ADEQ). I have held that position since March 2020. As ADEQ's Chief Financial Officer, I am responsible for the management and oversight of ADEQ's financial resources, including its federal funding.

3. ADEQ is responsible for protecting public health and the environment throughout Arizona by administering state and federal environmental laws to prevent air, water and land pollution and to ensure cleanup. Through the Environmental Quality Act of 1986, the Arizona

Legislature created ADEQ as the State's cabinet-level environmental agency. ADEQ is composed of three environmental programs: Air Quality, Water Quality, and Waste, with functional units responsible for technical, operational and policy support. In accordance with these programs, ADEQ carries out several core functions, including planning, permitting, compliance management, monitoring, assessment, cleanups and outreach.

Federal Funds Awarded to ADEQ

4. As of February 4, 2025, ADEQ has been directly awarded approximately \$35,519,251 in active federal grant funding made available through the Inflation Reduction Act (IRA) and the Infrastructure Investment and Jobs Act (IIJA). ADEQ has also received as a subrecipient a total of approximately \$17,758,015 in federal IIJA grant funding through the Water Infrastructure Finance Authority of Arizona, totaling approximately \$53,277,266 in federal grant funding.

5. Of that \$53,277,266, approximately \$1,612,373 was awarded through the IRA and approximately \$51,664,893 was awarded through the IIJA.

6. Examples of funding awards ADEQ received through the IRA include the following:

7. On November 20, 2024, ADEQ was awarded \$1,113,095 from the U.S. Environmental Protection Agency (EPA) through the Direct Air Monitoring Grant Program. True and accurate copies of the grant award documents are attached hereto as Exhibit A.

- a. The purpose of this grant is to replace or repair older Air Monitoring Equipment to help ensure quality data collection as required by the Clean Air Act. This data is utilized to monitor and model air quality improvement activities as required by the EPA and to forecast and report air quality data

to the Arizona public in the largest population centers to protect those susceptible to poor air quality.

- b. ADEQ receives these funds via reimbursement from the Automated Standard Application for Payments (ASAP) System, operated by the Bureau of the Fiscal Service. As of February 4, 2025, ADEQ has not requested reimbursement for any of that award funding.
- c. Though no specific obligations have been incurred by ADEQ in reliance upon this award, as of February 4, 2025, the ASAP System states that this grant is currently suspended. As a result of this uncertainty about the availability of federal funding, equipment orders have been placed on hold.

8. Examples of funding awards ADEQ directly received through the IIJA include the following:

9. On September 3, 2024, ADEQ was awarded \$3,104,623 from the EPA through the State and Tribal Response Grant Program. True and accurate copies of the grant award documents are attached hereto as Exhibit B.

- a. The purpose of this grant is to assist in remediating and redeveloping brownfields sites throughout Arizona. Brownfields are often abandoned properties with unresolved environmental issues that can quickly become local blights and may attract vandalism and illegal dumping. They degrade the environment, depress communities and potentially put public health at risk.

- b. ADEQ receives these funds via reimbursement for expenses incurred from the ASAP System. As of February 4, 2025, ADEQ has requested and received \$2,166,051 of that award funding since it was awarded in 2022.
- c. ADEQ has pending obligations for which it has not yet requested reimbursement of approximately \$98,700 for personnel, \$494,000 for contractors, and \$89,300 for administrative costs through June 2025.

Inability to Access Federal Funds

10. On January 30, 2025, Brett James, ADEQ Fund Accounting Manager, accessed ADEQ award funding through the ASAP System to review and report individual grant award status. At that time, 14 of ADEQ's 18 IRA and IIJA federal grant awards were in a "suspended" status. Suspended grants cannot be accessed for reimbursement requests.

11. Specifically, all funding was initially suspended for the following grants:
- a. IRA - CAA Special Purpose Activities
 - b. IRA - Direct Air Monitoring
 - c. IIJA - State and Tribal Response Grant Program
 - d. IIJA - Brownfields Assessment Cooperative Agreement
 - e. IIJA - Solid Waste Infrastructure Financing - Save Our Seas Act Grant
 - f. IIJA - State Underground Water Source Protection (UIC) - Class VI Wells
 - g. IIJA - Drinking Water State Revolving Fund Grants (ADEQ subrecipient)
 - i. DWSRF 2% BIL General Supplemental SFY25
 - ii. DWSRF 4% BIL Lead Service Line Replacement SFY24
 - iii. DWSRF 10% BIL General Supplemental SFY24
 - iv. DWSRF 10% BIL Lead Service Line Replacement SFY24

- v. DWSRF 10% BIL General Supplemental SFY25
- vi. DWSRF 15% BIL General Supplemental SFY24
- vii. DWSRF 15% BIL General Supplemental SFY25

12. As of February 4, 2025, six awards remain suspended.

- a. IRA - CAA Special Purpose Activities
- b. IRA - Direct Air Monitoring
- c. IIJA - State and Tribal Response Grant Program
- d. IIJA - Drinking Water State Revolving Fund Grants (ADEQ subrecipient)
 - i. DWSRF 2% BIL General Supplemental SFY25
 - ii. DWSRF 10% BIL General Supplemental SFY25
 - iii. DWSRF 15% BIL General Supplemental SFY25

13. ADEQ did not experience any delays when placing reimbursement requests through the ASAP System for awards that were *not* suspended and payments were received within approximately two business days.

14. ADEQ has incurred obligations against its awarded IRA and IIJA funds, including personnel costs, agreements with contractors, and travel and other administrative costs.

15. As a result of these funding disruptions, alternative funding will be required for immediate and ongoing obligations such as payroll, orders for equipment will be delayed, and contractor activities will need to be halted if alternate funding is not identified.

16. Any further pause in or disruption to our federal funding would cause immediate harm to ADEQ by diverting funding away from other necessary activities, delaying or halting operations in critical programs, and creating the need to accelerate and catch up on grant funded

activities once funding is resumed to achieve the required deliverables in the grant performance period.

17. ADEQ continues to be concerned that federal funding will again be delayed or denied because of the remaining suspended grant awards.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge at this time.

Executed on February 5, 2025, at Phoenix, Arizona.

Jared
Sprunger


Digitally signed by Jared
Sprunger
Date: 2025.02.05
12:24:09 -07'00'

Jared Sprunger
Chief Financial Officer
Arizona Department of Environmental Quality

EXHIBIT A

Exhibit A

5Q - 97T19501 - 0 Page 1

	U.S. ENVIRONMENTAL PROTECTION AGENCY Grant Agreement		GRANT NUMBER (FAIN): 97T19501 MODIFICATION NUMBER: 0 PROGRAM CODE: 5Q	DATE OF AWARD 11/20/2024
			TYPE OF ACTION New	MAILING DATE 11/25/2024
			PAYMENT METHOD: ASAP	ACH# 90007
RECIPIENT TYPE: State			Send Payment Request to: Contact EPA RTPFC at: rtpfc-grants@epa.gov	
RECIPIENT: ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY DBA: ADEQ 1110 W WASHINGTON ST PHOENIX, AZ 85007-2952 EIN: 86-6004791			PAYEE: ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY DBA: ADEQ 1110 W WASHINGTON ST PHOENIX, AZ 85007-2952	
PROJECT MANAGER Bradley Busby 1110 W Washington St Phoenix, AZ 85007-2952 Email: Busby.Bradley@azdeq.gov Phone: 602-771-7676		EPA PROJECT OFFICER Jean Samolis 75 Hawthorne Street, AIR-1-1 San Francisco, CA 94105 Email: samolis.jean@epa.gov Phone: 415-972-3939		EPA GRANT SPECIALIST Katya Obrez Grants Branch, MSD-6 75 Hawthorne Street San Francisco, CA 94501 Email: obrez.katya@epa.gov Phone: 415-972-3744
PROJECT TITLE AND DESCRIPTION Inflation Reduction Act - Direct Air Monitoring See Attachment 1 for project description.				
BUDGET PERIOD 10/01/2024 - 09/30/2029	PROJECT PERIOD 10/01/2024 - 09/30/2029	TOTAL BUDGET PERIOD COST \$ 1,113,095.00	TOTAL PROJECT PERIOD COST \$ 1,113,095.00	
NOTICE OF AWARD				
Based on your Application dated 04/30/2024 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$ 1,113,095.00. EPA agrees to cost-share 100.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$ 1,113,095.00. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.				
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE	
ORGANIZATION / ADDRESS U.S. EPA, Region 9, U.S. EPA, Region 9 Grants Branch, MSD-6 75 Hawthorne Street San Francisco, CA 94105			ORGANIZATION / ADDRESS U.S. EPA, Region 9, Air and Radiation Division, AIR-1 R9 - Region 9 75 Hawthorne Street San Francisco, CA 94105	
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY				
Digital signature applied by EPA Award Official for Carolyn Truong - Grants Management Officer by Angela Mendiola - Award Official Delegate				DATE 11/20/2024

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 0	\$ 1,113,095	\$ 1,113,095
EPA In-Kind Amount	\$ 0	\$ 0	\$ 0
Unexpended Prior Year Balance	\$ 0	\$ 0	\$ 0
Other Federal Funds	\$ 0	\$ 0	\$ 0
Recipient Contribution	\$ 0	\$ 0	\$ 0
State Contribution	\$ 0	\$ 0	\$ 0
Local Contribution	\$ 0	\$ 0	\$ 0
Other Contribution	\$ 0	\$ 0	\$ 0
Allowable Project Cost	\$ 0	\$ 1,113,095	\$ 1,113,095

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.034 - Surveys-Studies-Investigations-Demonstrations and Special Purpose Activities relating to the Clean Air Act	Inflation Reduction Act: Sec. 60105(a) Clean Air Act: Sec. 103	2 CFR 200, 2 CFR 1500 and 40 CFR 33

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	2509M9S016	2231	E1SFX	09M1	000AMTXM1	4183	-	-	\$ 1,113,095
									\$ 1,113,095

Budget Summary Page

Table A - Object Class Category (Non-Construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$ 0
2. Fringe Benefits	\$ 0
3. Travel	\$ 8,200
4. Equipment	\$ 616,900
5. Supplies	\$ 165,546
6. Contractual	\$ 20,000
7. Construction	\$ 0
8. Other	\$ 300,649
9. Total Direct Charges	\$ 1,111,295
10. Indirect Costs: 0.00 % Base See General T/Cs	\$ 1,800
11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %)	\$ 1,113,095
12. Total Approved Assistance Amount	\$ 1,113,095
13. Program Income	\$ 0
14. Total EPA Amount Awarded This Action	\$ 1,113,095
15. Total EPA Amount Awarded To Date	\$ 1,113,095

Attachment 1 - Project Description

The agreement provides funding under the Inflation Reduction Act (IRA) to the Arizona Department of Environmental Quality (ADEQ) for the expansion and enhancement of their air monitoring activities. Specifically, the recipient will establish a special purpose monitoring site and maintain, operate, and upgrade monitoring equipment and activities at existing monitoring stations, and support staff training.

This assistance agreement provides full federal funding in the amount of \$1,113,095. Pre-award costs are approved back to 10/1/2024. See terms and conditions.

The activities include: the review of equipment and the determination of which adjustments need to be made on enhancement at various air monitoring sites based on current needs; the purchase and installation of new equipment; providing new or revised QAPPS, including new SOPs, as needed; and provide staff training. In addition, ADEQ will pass through \$300,649 of this funding to Pinal County to support and enhance monitoring activities. The anticipated deliverables include: a new area measuring air pollution at a special purpose air monitoring site; equipment deployed throughout air monitoring network to support air monitoring needs; air quality monitoring training for staff; quality assurance/quality control documentation; and, completion of air monitoring related performance testing and/or audits.

The expected outcomes include increased disadvantaged communities monitored for air quality; information about air quality in previously unmonitored areas; increased public awareness of ambient air quality; increased sustainability of ambient air monitoring networks; publicly available air quality monitoring data for communities; well-functioning sites and equipment to aid in accurate air quality problem identification; and and better informed policy and decision making by ADEQ and other Arizona air agencies.

The intended beneficiaries include the citizens and visitors to Arizona.

ADEQ will pass through \$300,649 of this funding to Pinal County to support and enhance monitoring activities. Specifically, Pinal County will purchase sensor monitors, refresh monitoring equipment throughout network, and replace shelters with new units to address identified safety issues.

Administrative Conditions

General Terms and Conditions

The recipient agrees to comply with the current Environmental Protection Agency (EPA) general terms and conditions available at: <https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-october-1-2024-or-later>

These terms and conditions are in addition to the assurances and certifications made as a part of the award and the terms, conditions, or restrictions cited throughout the award.

The EPA repository for the general terms and conditions by year can be found at: <https://www.epa.gov/grants/grant-terms-and-conditions#general>.

A. Federal Financial Reporting (FFR)

For awards with cumulative project and budget periods greater than 12 months, the recipient will submit an annual FFR (SF 425) covering the period from "project/budget period start date" to **June 30** of each calendar year to the EPA Finance Center in Research Triangle Park, NC. The annual FFR will be submitted electronically to rtpfc-grants@epa.gov no later than **September 30** of the same calendar year. Find additional information at <https://www.epa.gov/financial/grants>. (Per 2 CFR § 200.344(b), the recipient must submit the Final FFR to rtpfc-grants@epa.gov within 120 days after the end of the project period.)

B. Procurement

The recipient will ensure all procurement transactions will be conducted in a manner providing full and open competition consistent with 2 CFR § 200.319. In accordance with 2 CFR § 200.324, the recipient and subawardee(s) must perform a cost or price analysis in connection with applicable procurement actions, including contract modifications. *State and Tribal government entities must follow procurement standards as outlined in 2 CFR § 200.317.*

C. MBE/WBE Reporting, 40 CFR, Part 33, Subpart E (EPA Form 5700-52A)

The recipient agrees to submit a "MBE/WBE Utilization Under Federal Grants and Cooperative Agreements" report (EPA Form 5700-52A) annually for the duration of the project period. The current EPA Form 5700-52A with instructions is located at <https://www.epa.gov/grants/epa-grantee-forms>

This provision represents an approved exception from the MBE/WBE reporting requirements as described in 40 CFR Section 33.502.

Reporting is required for assistance agreements where funds are budgeted for procuring construction, equipment, services and supplies (including funds budgeted for direct procurement by the recipient or procurement under subawards or loans in the "Other" category) with a cumulative total that exceed the **Simplified Acquisition Threshold (SAT) currently set at \$250,000** (the dollar threshold will be automatically revised whenever the SAT is adjusted; See 2 CFR Section 200.1), including amendments and/or modifications. All procurement actions are reportable when reporting is required, not just the portion which exceeds the SAT.

Recipients with expended and/or budgeted funds for procurement are required to report annually whether the planned procurements take place during the reporting period or not. If no budgeted procurements take place during the reporting period, the recipient should check the box in section 4A when completing the form.

When completing the annual report, recipients are instructed to check the box titled "annual" in section 1B of the form. For the final report, recipients are instructed to check the box indicated for the "Final Report (project completed)" in section 1B of the form.

The annual reports are due by October 30th of each calendar year and the final report is due within 120 days after the end of the project period, whichever comes first. The recipient will submit the MBE/WBE report(s) and/or questions to GrantsRegion9@epa.gov and the EPA Grants Specialist identified on page 1 of the award document.

D. Subaward(s)

The recipient's approved budget includes subaward(s). As applicable, the recipient will comply with the General Term and Condition on reporting of first tier subawards to www.fsrs.gov per "Reporting Subawards and Executive Compensation" requirement.

Programmatic Conditions

a.] PERFORMANCE REPORTING AND FINAL PERFORMANCE REPORT

Performance Reports - Content

In accordance with 2 CFR 200.329, the recipient agrees to submit performance reports that include brief information on each of the following areas: 1) A comparison of actual accomplishments to the outputs/outcomes established in the assistance agreement work plan for the period; 2) The reasons why established outputs/outcomes were not met; and 3) Additional pertinent information, including, when appropriate, analysis and explanation of cost overruns or high-unit costs. Additionally, the recipient agrees to inform EPA as soon as problems, delays, or adverse conditions which will materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan are known.

Interim performance and final progress reports must prominently display the three Essential Elements for state work plans: 1) Strategic Plan Goal; (2) Strategic Plan Objective; and (3) Workplan Commitments plus time frame.

(See [Grants Policy Issuance 11-03 State Grant Workplans and Progress Reports](#) for more information)

Performance Reports - Frequency

The recipient agrees to submit semi-annual performance reports electronically to the EPA Project Officer due within 30 days after the end of the reporting period. The reporting periods are:

- October 1 - March 31: Due April 31
- April 1 - September 30: Due October 30

The recipient must submit the final performance report no later than 120 calendar days after the end date of the period of performance.

Subaward Reporting Requirements

The recipient must report on its subaward monitoring activities under 2 CFR 200.331(d). Examples of items that must be reported if the pass-through entity has the information available are:

- * Summaries of results of reviews of financial and programmatic reports.
- * Summaries of findings from site visits and/or desk reviews to ensure effective subrecipient performance.
- * Environmental results the subrecipient achieved.
- * Summaries of audit findings and related pass-through entity management decisions.
- * Actions the pass-through entity has taken to correct deficiencies such as those specified at 2 CFR 200.331(e), 2 CFR 200.207 and the 2 CFR Part 338 Remedies for Noncompliance.

b.] State Grant Cybersecurity

(a) The recipient agrees that when collecting and managing environmental data under this assistance agreement, it will protect the data by following all applicable State law cybersecurity requirements.

(b) (1) EPA must ensure that any connections between the recipient's network or information system and EPA networks used by the recipient to transfer data under this agreement, are secure.

For purposes of this Section, a connection is defined as a dedicated persistent interface between an Agency IT system and an external IT system for the purpose of transferring information. Transitory, user-controlled connections such as website browsing are excluded from this definition.

If the recipient's connections as defined above do not go through the Environmental Information Exchange Network or EPA's Central Data Exchange, the recipient agrees to contact the EPA Project Officer (PO) and work with the designated Regional/Headquarters Information Security Officer to ensure that the connections meet EPA security requirements, including entering into Interconnection Service Agreements as appropriate. This condition does not apply to manual entry of data by the recipient into systems operated and used by EPA's regulatory programs for the submission of reporting and/or compliance data.

(2) The recipient agrees that any subawards it makes under this agreement will require the subrecipient to comply with the requirements in (b)(1) if the subrecipient's network or information system is connected to EPA networks to transfer data to the Agency using systems other than the Environmental Information Exchange Network or EPA's Central Data Exchange. The recipient will be in compliance with this condition: by including this requirement in subaward agreements; and during subrecipient monitoring deemed necessary by the recipient under 2 CFR 200.332(d), by inquiring whether the subrecipient has contacted the EPA Project Officer. Nothing in this condition requires the recipient to contact the EPA Project Officer on behalf of a subrecipient or to be involved in the negotiation of an Interconnection Service Agreement between the subrecipient and EPA.

c.] Data Reporting

Data and/or related observations must be shared publicly and in a practicable amount of time throughout the lifetime of the project and not only after the project is at or near completion.

d.] Quality Assurance

Authority: Quality Assurance applies to all assistance agreements involving environmental information as defined in [2 C.F.R. § 1500.12](#) Quality Assurance.

The recipient shall ensure that subawards involving environmental information issued under this agreement include appropriate quality requirements for the work. The recipient shall ensure sub-award recipients develop and implement a Quality Assurance (QA) planning document in accordance with this term and condition; and/or ensure sub-award recipients implement all applicable approved QA planning documents.

1. Quality Management Plan (QMP)

a. Prior to beginning environmental information operations, the recipient must:

- i. Submit a previously EPA-approved and current QMP,
 - ii. The EPA Quality Assurance Manager or designee (hereafter referred to as QAM) will notify the recipient and EPA Project Officer (PO) in writing if the QMP is acceptable for this agreement.
- b. The recipient must submit the QMP within 90 days after grant award, and/or no more than 120 days after grant award.
- c. The recipient must review their approved QMP at least annually. These documented reviews shall be made available to the sponsoring EPA organization if requested. When necessary, the recipient shall revise its QMP to incorporate minor changes and notify the EPA PO and QAM of the changes. If significant changes have been made to the Quality Program that affect the performance of environmental information operations, it may be necessary to re-submit the entire QMP for re-approval. In general, a copy of any QMP revision(s) made during the year should be submitted to the EPA PO and QAM in writing when such changes occur. Conditions requiring the revision and resubmittal of an approved QMP can be found in section 6 of EPA's [Quality Management Plan \(QMP\) Standard](#).

2. Quality Assurance Project Plan (QAPP)

- a. Prior to beginning environmental information operations, the recipient must:
- i. Submit a previously EPA-approved QAPP proposed to ensure the collected, produced, evaluated, or used environmental information is of known and documented quality for the intended use(s).
 - ii. The EPA Quality Assurance Manager or designee (hereafter referred to as QAM) will notify the recipient and EPA Project Officer (PO) in writing if the previously EPA-approved QAPP is acceptable for this agreement.
- b. The recipient must submit the QAPP 90 days after grant award, and/or no more than 120 days after grant award.
- c. The recipient shall notify the PO and QAM when substantive changes are needed to the QAPP. EPA may require the QAPP be updated and re-submitted for approval.
- d. The recipient must review their approved QAPP at least annually. The results of the QAPP review and any revisions must be submitted to the PO and the QAM at least annually and may also be submitted when changes occur.

For Reference:

- [Quality Management Plan \(QMP\) Standard and EPA's Quality Assurance Project Plan \(QAPP\) Standard](#); contain quality specifications for EPA and non-EPA organizations and definitions applicable to these terms and conditions.
- [EPA QA/G-5: Guidance for Quality Assurance Project Plans](#).
- [EPA's Quality Program](#) website has a [list of QA managers](#), and [Specifications for EPA and Non-EPA Organizations](#).

- The Office of Grants and Debarment [Implementation of Quality Assurance Requirements for Organizations Receiving EPA Financial Assistance](#).

e.] Use of Logos

If the EPA logo is appearing along with logos from other participating entities on websites, outreach materials, or reports, it must **not** be prominently displayed to imply that any of the recipient or subrecipient's activities are being conducted by the EPA. Instead, the EPA logo should be accompanied with a statement indicating that the AZ DEQ received financial support from the EPA under an Assistance Agreement. More information is available at: <https://www.epa.gov/stylebook/using-epa-seal-and-logo#policy>

f.] Competency of Organizations Generating Environmental Measurement Data

In accordance with Agency Policy Directive Number FEM-2012-02, Policy to Assure the Competency of Organizations Generating Environmental Measurement Data under Agency-Funded Assistance Agreements, Recipient agrees, by entering into this agreement, that it has demonstrated competency prior to award, or alternatively, where a pre-award demonstration of competency is not practicable, Recipient agrees to demonstrate competency prior to carrying out any activities under the award involving the generation or use of environmental data. Recipient shall maintain competency for the duration of the project period of this agreement and this will be documented during the annual reporting process. A copy of the Policy is available online at <https://www.epa.gov/sites/production/files/2015-03/documents/competency-policy-aaianew.pdf> or a copy may also be requested by contacting the EPA Project Officer for this award.

g.] Public or Media Events

The Recipient agrees to notify the EPA Project Officer listed in this award document of public or media events publicizing the accomplishment of significant events related to construction projects as a result of this agreement, and provide the opportunity for attendance and participation by federal representatives with at least ten (10) working days' notice.

h.] Geospatial Data Standards

All geospatial data created must be consistent with Federal Geographic Data Committee (FGDC) endorsed standards. Information on these standards may be found at <https://www.fgdc.gov/>.

i.] Davis-Bacon Related Act Requirements

1. Program Applicability

- a. Program Name: Fenceline Air Monitoring: Direct Awards - IRA Only
- b. Statute Requiring Compliance: Section 314 of the Clean Air Act.
- c. Activities subject to prevailing wage requirements: Construction activities conducted under a fenceline air monitoring grant.
- d. The recipient must work with the appropriate authorities to determine wage classifications for the

specific project(s) or activities subject to Davis-Bacon under this grant.

2. Davis-Bacon and Related Acts

Davis-Bacon and Related Acts (DBRA) (<https://www.dol.gov/agencies/whd/government-contracts/construction>) is a collection of labor standards provisions administered by the Department of Labor, that are applicable to grants involving construction. These labor standards include the:

- a. Davis-Bacon Act, which requires payment of prevailing wage rates for laborers and mechanics on construction contracts of \$2,000 or more;
- b. Copeland "Anti-Kickback" Act, which prohibits a contractor or subcontractor from inducing an employee into giving up any part of the compensation to which he or she is entitled; and
- c. Contract Work Hours and Safety Standards Act, which requires overtime wages to be paid for over 40 hours of work per week, under contracts in excess of \$100,000.

3. Recipient Responsibilities When Entering Into and Managing Contracts

a. Solicitation and Contract Requirements:

(1) Include the Correct Wage Determinations in Bid Solicitations and Contracts: Recipients are responsible for complying with the procedures provided in [29 CFR 1.6](#) when soliciting bids and awarding contracts.

(2) Include DBRA Requirements in All Contracts: Include the following text on all contracts under this grant:

"By accepting this contract, the contractor acknowledges and agrees to the terms provided in the DBRA Requirements for Contractors and Subcontractors Under EPA Grants (<https://www.epa.gov/grants/contract-provisions-davis-bacon-and-related-acts>)."

b. After Award of Contract:

(1) Approve and Submit Requests for Additional Wages Rates: Work with contractors to request additional wage rates if required for contracts under this grant, as provided in [29 CFR 5.5\(a\)\(1\)\(iii\)](#).

(2) Provide Oversight of Contractors to Ensure Compliance with DBRA Provisions: Ensure contractor compliance with the terms of the contract, as required by [29 CFR 5.6](#).

4. Recipient Responsibilities When Establishing and Managing Additional Subawards

a. Include DBRA Requirements in All Subawards (including Loans): Include the following text on all subawards under this grant:

"By accepting this award, the EPA subrecipient acknowledges and agrees to the terms and conditions provided in the DBRA Requirements for EPA Subrecipients (<https://www.epa.gov/grants/contract-provisions-davis-bacon-and-related-acts>)."

b. Provide Oversight to Ensure Compliance with DBRA Provisions: Recipients are responsible for oversight of subrecipients and must ensure subrecipients comply with the requirements in [29 CFR 5.6](#).

5. Consideration as Part of Every Prime Contract Covered by DBRA


The contract clauses set forth in this Term & Condition, along with the correct wage determinations, will be considered to be a part of every prime contract covered by Davis-Bacon and Related Acts (see [29 CFR 5.1](#)), and will be effective by operation of law, whether or not they are included or incorporated by reference into such contract, unless the Department of Labor grants a variance, tolerance, or exemption. Where the clauses and applicable wage determinations are effective by operation of law under this paragraph, the prime contractor must be compensated for any resulting increase in wages in accordance with applicable law.

***** END OF ASSISTANCE AGREEMENT *****

EXHIBIT B

Exhibit B

4W - 98T50801 - 2 Page 1

	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment	GRANT NUMBER (FAIN): 98T50801 MODIFICATION NUMBER: 2 PROGRAM CODE: 4W	DATE OF AWARD 09/03/2024
		TYPE OF ACTION Augmentation: Increase	MAILING DATE 09/06/2024
		PAYMENT METHOD: ASAP	ACH# 90007
		RECIPIENT TYPE: State	
RECIPIENT: ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY DBA: ADEQ 1110 W WASHINGTON ST PHOENIX, AZ 85007-2952 EIN: 86-6004791		Send Payment Request to: Contact EPA RTPFC at: rtpfc-grants@epa.gov PAYEE: ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY DBA: ADEQ 1110 W WASHINGTON ST PHOENIX, AZ 85007-2952	
PROJECT MANAGER Travis Barnum 1110 W Washington St Phoenix, AZ 85007-2952 Email: Barnum.Travis@azdeq.gov Phone: 602-771-2296	EPA PROJECT OFFICER Lisa Hanusiak 75 Hawthorne Street, LND-2-1 San Francisco, CA 94105 Email: hanusiak.lisa@epa.gov Phone: 415-972-3152	EPA GRANT SPECIALIST Darlene Fernandez Grants Branch, MSD-6 75 Hawthorne Street San Francisco, CA 94105 Email: fernandez.darlene@epa.gov Phone: 415-972-3664	
PROJECT TITLE AND EXPLANATION OF CHANGES STATE AND TRIBAL RESPONSE PROGRAM - BIL The primary objectives of EPA's CERCLA Section 128(a) State and Tribal Response Program grants are to provide financial support to States, US Territories, and Tribal Nations to (1) establish or enhance the four statutory elements of an effective state or Tribal response program, as specified in CERCLA Section 128(a)(2), (2) maintain and update, at least annually, a public record of sites, pursuant to CERCLA § 128(b), that includes the name and location of sites at which response actions have been completed during the previous year and the name and location of sites at which response actions are planned to be addressed in the next year, and (3) conduct a limited number of brownfield site assessments or cleanups that will help establish or enhance the state or Tribal Nation's response program. The Infrastructure Investment and Jobs Act ("IIJA") provided additional funding to carry out the Section 128(a) grant program. The purpose of this award is to enhance the capacity of ADEQ's brownfields response program to meet the Section 128(a) elements. ADEQ will oversee and perform planning, assessment, and cleanup of brownfields sites throughout the state, and assist with the environmental cleanup needs in underserved rural and small communities. This amendment provides additional federal funding in the amount of \$900,000 and extends the budget/project period end date to 9/30/25. See terms and conditions.			
BUDGET PERIOD 10/01/2022 - 09/30/2025	PROJECT PERIOD 10/01/2022 - 09/30/2025	TOTAL BUDGET PERIOD COST \$ 3,104,623.00	TOTAL PROJECT PERIOD COST \$ 3,104,623.00
NOTICE OF AWARD Based on your Application dated 04/30/2024 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$ 900,000.00. EPA agrees to cost-share 100.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$ 3,104,623.00. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.			
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)		AWARD APPROVAL OFFICE	
ORGANIZATION / ADDRESS U.S. EPA, Region 9, U.S. EPA, Region 9 Grants Branch, MSD-6 75 Hawthorne Street San Francisco, CA 94105		ORGANIZATION / ADDRESS U.S. EPA, Region 9, Land, Chemicals and Redevelopment, LND-1 R9 - Region 9 75 Hawthorne Street San Francisco, CA 94105	
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY			
Digital signature applied by EPA Award Official Carolyn Truong - Grants Management Officer			DATE 09/03/2024

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 2,204,623	\$ 900,000	\$ 3,104,623
EPA In-Kind Amount	\$ 0	\$ 0	\$ 0
Unexpended Prior Year Balance	\$ 0	\$ 0	\$ 0
Other Federal Funds	\$ 0	\$ 0	\$ 0
Recipient Contribution	\$ 0	\$ 0	\$ 0
State Contribution	\$ 0	\$ 0	\$ 0
Local Contribution	\$ 0	\$ 0	\$ 0
Other Contribution	\$ 0	\$ 0	\$ 0
Allowable Project Cost	\$ 2,204,623	\$ 900,000	\$ 3,104,623

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.817 - State and Tribal Response Program Grants	CERCLA: Sec. 128(a) & Infrastructure Investment and Jobs Act (IIJA) (PL 117-58)	2 CFR 200, 2 CFR 1500, 40 CFR 33 and 40 CFR 35 Subpart A

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	2409QE0054	24	E1SD	09Q1	000D24X90	4113	-	-	\$ 900,000
									\$ 900,000

Budget Summary Page

Table A - Object Class Category (Non-Construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$ 501,644
2. Fringe Benefits	\$ 192,162
3. Travel	\$ 9,000
4. Equipment	\$ 0
5. Supplies	\$ 2,055
6. Contractual	\$ 1,513,976
7. Construction	\$ 544,051
8. Other	\$ 5,110
9. Total Direct Charges	\$ 2,767,998
10. Indirect Costs: 0.00 % Base See Condition on IDC	\$ 336,625
11. Total (Share: Recipient 0.00 % Federal 100.00 %)	\$ 3,104,623
12. Total Approved Assistance Amount	\$ 3,104,623
13. Program Income	\$ 0
14. Total EPA Amount Awarded This Action	\$ 900,000
15. Total EPA Amount Awarded To Date	\$ 3,104,623

Administrative Conditions

General Terms and Conditions

The General Terms and Conditions of this agreement are updated in accordance with the link below. However, these updated conditions apply solely to the funds added with this amendment and any previously awarded funds not yet disbursed by the recipient as of the award date of this amendment. The General Terms and Conditions cited in the original award or prior funded amendments remain in effect for funds disbursed by the recipient prior to the award date of this amendment.

The recipient agrees to comply with the current EPA general terms and conditions available at: <https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-october-1-2023-or-later>.

These terms and conditions are binding for disbursements and are in addition to or modify the assurances and certifications made as a part of the award and the terms, conditions, or restrictions cited throughout the award.

The EPA repository for the general terms and conditions by year can be found at: <https://www.epa.gov/grants/grant-terms-and-conditions#general>. All previously-existing administrative conditions remain in full-force and effect.

Programmatic Conditions

All previous Programmatic Terms and Conditions remain the same, except Condition XIV is added below.

XIV. Infrastructure Investment and Jobs Act (IIJA) Signage Required

A. Signage Requirements

1. Investing in America Emblem: The recipient will ensure that a sign is placed at construction sites supported under this award displaying the official Investing in America emblem and must identify the project as a "project funded by President Biden's Bipartisan Infrastructure Law."

Construction is defined at 40 CFR 33.103 as "erection, alteration, or repair (including dredging, excavating, and painting) of buildings, structures, or other improvements to real property, and activities in response to a release or a threat of a release of a hazardous substance into the environment, or activities to prevent the introduction of a hazardous substance into a water supply."

The sign must be placed at construction sites in an easily visible location that can be directly linked to the work taking place and must be maintained in good condition throughout the construction period. The recipient will ensure compliance with the guidelines and design specifications provided by EPA for using the official Investing in America emblem available at <https://www.epa.gov/invest/investing-america-signage>.

2. EPA Logo: The recipient will ensure that signage displays the EPA logo along with the official Building A Better America emblem. The EPA logo must not be displayed in a manner that implies that EPA itself is conducting the project. Instead, the EPA logo must be accompanied with a statement indicating that the recipient received financial assistance from EPA for the project. The recipient will ensure compliance with the sign specifications provided by the EPA Office of Public Affairs (OPA) available at: <https://www.epa.gov/grants/epa-logo-seal-specifications-signage-producedepa-assistance-agreement-recipients>. As provided in the sign specifications from OPA, the EPA logo is the preferred identifier for assistance agreement projects and use of the EPA seal requires prior approval from the EPA.

To obtain the appropriate EPA logo or seal graphic file, the recipient should send a request directly to OPA and include the EPA Project Officer in the communication. Instructions for contacting OPA is available on the Using the EPA Seal and Logo page.

3. Procuring Signs: Consistent with section 6002 of RCRA, 42 U.S.C. 6962, and 2 CFR 200.323, recipients are encouraged to use recycled or recovered materials when procuring signs. Signage costs are considered an allowable cost under this assistance agreement provided that the costs associated with signage are reasonable. Additionally, to increase public awareness of projects serving communities where English is not the predominant language, recipients are encouraged to translate the language on signs (excluding the official Investing in America emblem or EPA logo or seal) into the appropriate non-English language(s). The costs of such translation are allowable, provided the costs are reasonable.

B. Public or Media Events

The CAR agrees to notify the EPA Project Officer listed in this award document of public or media events publicizing the accomplishment of significant events related to construction and/or site reuse projects as

a result of this agreement, and provide the opportunity for attendance and participation by federal representatives with at least ten (10) working days' notice.

To increase public awareness of projects serving communities where English is not the predominant language, CARs are encouraged to include in their outreach strategies communication in non-English languages. Translation costs for this purpose are allowable, provided the costs are reasonable.

All public awareness activities conducted with EPA funding are subject to the provisions in the General Terms and Conditions on compliance with section 504 of the Americans with Disabilities Act.

--END OF DOCUMENT--